



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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03-26-02

Applicant: Leonardo LaRosa
Application No.: 09/845,485 Group: 3643
Filed: April 30, 2001 Examiner: T. Price
For: CONTAINER FOR STORAGE AND/OR SHIPMENT OF LIVE
CRUSTACEANS

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202	
on 2/21/02	<i>Judith K. Sherman</i>
Date	Signature
Judith K. Sherman	
Typed or printed name of person signing certificate	

REQUEST FOR REFUND OF DUPLICATE PAYMENT

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

In response to an Office Action, dated June 5, 2001, Applicant's Attorney mailed an Amendment, with a three-month extension, and a check in the amount of \$920.00, to the U.S. Patent and Trademark Office, under Certificate of Mailing, on November 30, 2001. Subsequently, on December 10, 2001, Applicant's Attorney mailed a Transmittal of Small Entity Statement and Request for Reimbursement, under Certificate of Mailing, together with an executed Small Entity Statement, requesting the reimbursement of one-half of the \$920.00 extension fee that had been submitted to the USPTO on November 30, 2001.

Because of a potential threat of Anthrax contamination from mail addressed to Federal offices, mail addressed to the USPTO was rerouted to decontamination facilities and, as a result, delivery of the Amendment to the USPTO was significantly delayed. Although the Amendment, together with a Petition for Extension of Time and check in payment thereof, was timely filed, it was not received at the USPTO mailroom until January 14, 2002, as evidenced by the date stamp on the postcard receipt that was returned to Applicant's Attorney. A copy of the postcard receipt is enclosed for the convenience of the USPTO.

US PATENT & TRADEMARK
OFFICE
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OFFICE OF FINANCE
REFUND DIVISION

On January 8, 2002, Applicant's Attorney received a Notice of Abandonment, dated January 2, 2002, in which the Examiner alleged that no response had been filed to the outstanding Office Action. Pursuant to instructions posted on the USPTO Website regarding the accepted procedure to be followed if papers had been timely filed but not timely received at the USPTO because of mail delays, Applicant's Attorney filed a Request for Withdrawal of Abandonment by facsimile, with the required signed statement on the facsimile cover page, together with duplicate copies of the Amendment and Petition for Extension of Time, and authorized the USPTO to charge Attorney's Deposit Account 08-0380 in the amount of \$920.00 for the three-month extension of time.

Enclosed is a copy of the January, 2002 Deposit Account Statement for Deposit Account 08-0380. The highlighted section on page 2 indicates that Attorney's Deposit Account 08-0380 was debited in the amount of \$460.00 for USSN 09/845,485, Attorney Docket No. 1573.1002-00[7] on January 15, 2002. Since the Small Entity Statement had previously been filed in the USPTO, the USPTO correctly debited one-half of the \$920.00 fee that Applicant's Attorney had authorized in the facsimile of January 9, 2002.

Also enclosed are copies of the front and back of check number 44126, in the amount of \$920.00, for USSN 09/845,485, Attorney Docket Number 1573.1002-007, indicating that this check was deposited by the U.S. Patent and Trademark Office on January 18, 2002.

Since the USPTO has charged Attorney's Deposit Account in the amount of \$460.00, and since the USPTO has also cashed the check in the amount of \$920.00 that was submitted with the original Amendment that had been mailed to the USPTO on November 30, 2001, Applicant's Attorney respectfully requests a full refund of the duplicate payment of \$920.00. Applicant's Attorney authorizes the USPTO to credit Deposit Account No. 08-0380 in the amount of \$920.00 to refund this duplicate payment. A copy of this Request is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By David E. Brook

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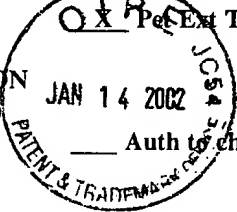


COPY

Initials: DEB/jks Docket No.: 1573.1002-007 Date: November 30, 2001

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

☒ Amendment Fee Letter w/copy
☒ AMENDMENT
☐ AMENDMENT AFTER FINAL ACTION
☒ Marked Up Version of Amendments (i)
☒ Check for \$ 920.00
☐ REPLY TO OFFICE ACTION
☐ Other _____

 ☒ Pet Ext Time w/copy
Auth to charge fees

Applicant: Leonardo LaRosa

Application No.: 09/845,485

Filed: April 30, 2001

Title: CONTAINER FOR STORAGE AND/OR SHIPMENT OF LIVE CRUSTACEAN

Date received by the PTO:

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